

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 273**

**BY: Representative Bain**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

6           **SECTION 1.** Section 41-13-29, Mississippi Code of 1972, is  
7 amended as follows:  
8           41-13-29. (1) (a) The owners are authorized to appoint  
9 trustees for the purpose of operating and governing community  
10 hospitals. The owner of a community hospital may remove a trustee  
11 after appointment for good cause shown, upon a unanimous vote of  
12 all members of the governing board of the owner that appointed the  
13 trustee, or upon a majority vote of the governing board of the  
14 owner that appointed the trustee after a recommendation from the  
15 board of trustees of the hospital that the trustee be removed. To



16 be eligible for appointment, an appointee must be an adult legal  
17 resident of the county which has an ownership interest in the  
18 community hospital or the county in which the municipality or  
19 other political subdivision holding the ownership interest in the  
20 community hospital is located. The authority to appoint trustees  
21 shall not apply to leased facilities, unless specifically reserved  
22 by the owner in the applicable lease agreement.

23 (b) The board of trustees shall consist of not more  
24 than seven (7) members nor less than five (5) members, except  
25 where specifically authorized by statute, and shall be appointed  
26 by the respective owners on a pro rata basis comparable to the  
27 ownership interests in the community hospital. Where the  
28 community hospital is owned solely by a county, or any supervisors  
29 districts, judicial districts or election district of a county, or  
30 by a municipality, the trustees shall be residents of the owning  
31 entity.

32 (c) Trustees for municipally owned community hospitals  
33 shall be appointed by the governing authority of the municipality.  
34 Trustees for a community hospital owned by a county shall be  
35 appointed by the board of supervisors with each supervisor having  
36 the right to nominate one (1) trustee from his district or from  
37 the county at large. Appointments exceeding five (5) in number  
38 shall be from the county at large. Trustees for a community  
39 hospital owned solely by supervisors districts, judicial districts  
40 or election district of a county, shall be appointed by the board



41 of supervisors of the county from nominees submitted by the  
42 supervisor or supervisors representing the owner district or  
43 districts.

44 (2) (a) Initially the board of trustees shall be appointed  
45 as follows: one (1) for a term of one (1) year, one (1) for a  
46 term of two (2) years, one (1) for a term of three (3) years, one  
47 (1) for a term of four (4) years, and one (1) for a term of five  
48 (5) years. Appointments exceeding five (5) in number shall be for  
49 terms of four (4) and five (5) years, respectively. Thereafter,  
50 all terms shall be for five (5) years. No community hospital  
51 trustee holding office on July 1, 1982, shall be affected by this  
52 provision, but the terms shall be filled at the expiration thereof  
53 according to the provisions of this section; provided, however,  
54 that any other specific appointment procedures presently  
55 authorized shall likewise not be affected by the terms hereof.  
56 Any vacancy on the board of trustees shall be filled within ninety  
57 (90) days by appointment by the applicable owner for the remainder  
58 of the unexpired term.

59 (b) From and after January 1, 2016, to be eligible for  
60 appointment, an appointee must have no felony convictions, possess  
61 at least a high school diploma or the equivalent, owe no  
62 outstanding debt to the community hospital, and not be a plaintiff  
63 in any pending lawsuit against the community hospital. The  
64 appointee may not own an interest in, or be an officer or employee  
65 of, a company or business that provides goods or services in



66 direct competition with the community hospital, nor may the  
67 appointee's spouse own an interest in, or be an officer of, such  
68 company or business.

69 (3) (a) Any community hospital erected, owned, maintained  
70 and operated by any county located in the geographical center of  
71 the State of Mississippi and in which State Highways No. 12 and  
72 No. 35 intersect, shall be operated by a board of trustees of five  
73 (5) members who have the qualifications set forth in this section  
74 to be appointed by the board of supervisors from the county at  
75 large, one (1) for a term of one (1) year, one (1) for a term of  
76 two (2) years, one (1) for a term of three (3) years, one (1) for  
77 a term of four (4) years, and one (1) for a term of five (5)  
78 years. Thereafter all trustees shall be appointed from the county  
79 at large for a period of five (5) years.

80 (b) Any community hospital erected, owned, maintained  
81 and operated by any county situated in the Yazoo-Mississippi Delta  
82 Levee District and bordering on the Mississippi River and having a  
83 population of not less than forty-five thousand (45,000) and  
84 having an assessed valuation of not less than Thirty Million  
85 Dollars (\$30,000,000.00) for the year 1954, shall be operated by a  
86 board of trustees which may consist of not more than eleven (11)  
87 members who have the qualifications set forth in this section.

88 (c) Any hospital erected, owned, maintained and  
89 operated by any county having two (2) judicial districts, which is  
90 traversed by U.S. Interstate Highway 59, which intersects Highway



91 84 therein, shall be operated by a board of trustees which shall  
92 consist of seven (7) members who have the qualifications set forth  
93 in this section. The first seven (7) members appointed under  
94 authority of this paragraph shall be appointed by the board of  
95 supervisors for terms as follows:

96 Each supervisor of Supervisors Districts One and Two shall  
97 nominate and the board of supervisors shall appoint one (1) person  
98 from each said beat for a one-year term. Each supervisor of  
99 Supervisors Districts Three and Four shall nominate and the board  
100 of supervisors shall appoint one (1) person from each beat for a  
101 two-year term. The supervisor of Supervisors District Five shall  
102 nominate and the board of supervisors shall appoint one (1) person  
103 from the beat for a three-year term. The medical staff at the  
104 hospital shall submit a list of four (4) nominees and the  
105 supervisors shall appoint two (2) trustees from the list of  
106 nominees, one (1) for a three-year term and one (1) for a one-year  
107 term. Thereafter, as the terms of the board of trustee members  
108 authorized by this paragraph expire, all but the trustee  
109 originally appointed from the medical staff nominees for a  
110 one-year term shall be appointed by the board of supervisors for  
111 terms of three (3) years. The term of the trustee originally  
112 appointed from the medical staff nominees by the board of  
113 supervisors for a term of one (1) year shall remain a term of one  
114 (1) year and shall thereafter be appointed for a term of one (1)  
115 year. The two (2) members appointed from medical staff nominees



116 shall be appointed from a list of two (2) nominees for each  
117 position to be submitted by the medical staff of the hospital for  
118 each vacancy to be filled. It is the intent of the Legislature  
119 that the board of trustees which existed prior to July 1, 1985,  
120 was abolished by amendment to this section under Section 5,  
121 Chapter 511, Laws of 1985, and the amendment authorized the  
122 appointment of a new board of trustees on or after July 1, 1985,  
123 in the manner provided in this paragraph. Any member of the board  
124 of trustees which existed before July 1, 1985, who has the  
125 qualifications set forth in this section shall be eligible for  
126 reappointment subject to the provisions of this paragraph.

127 (d) Any community hospital erected, owned, maintained  
128 and operated by any county bordering on the Mississippi River  
129 having two (2) judicial districts, wherein U.S. Highway 61 and  
130 Mississippi Highway 8 intersect, lying wholly within a levee  
131 district, shall be operated by a board of trustees which may  
132 consist of not more than nine (9) members who have the  
133 qualifications set forth in this section.

134 (e) Any community hospital system owned, maintained and  
135 operated by any county bordering on the Gulf of Mexico and the  
136 State of Alabama shall be operated by a board of trustees  
137 constituted as follows: seven (7) members shall be selected as  
138 provided in subsection (1) of this section and two (2) advisors  
139 who shall be the chiefs of staff at those hospitals which are a  
140 part of the hospital system; the members must have the



141 qualifications set forth in this section. The term of the chiefs  
142 of staff on the board of trustees shall coincide with their  
143 service as chiefs of staff at their respective hospitals.

144 (4) Any community hospital owned, maintained and operated by  
145 any county wherein Mississippi Highways 16 and 19 intersect,  
146 having a land area of five hundred sixty-eight (568) square miles,  
147 and having a population in excess of twenty-three thousand seven  
148 hundred (23,700) according to the 1980 federal decennial census,  
149 shall be operated by a board of trustees of five (5) members who  
150 have the qualifications set forth in this section, one (1) of whom  
151 shall be elected by the qualified electors of each supervisors  
152 district of the county in the manner provided herein. Each member  
153 so elected shall be a resident and qualified elector of the  
154 district from which he is elected. The first elected members of  
155 the board of trustees shall be elected at the regular general  
156 election held on November 4, 1986. At the election, the members  
157 of the board from Supervisors Districts One and Two shall be  
158 elected for a term of six (6) years; members of the board from  
159 Supervisors Districts Three and Four shall be elected for a term  
160 of two (2) years; and the member of the board from Supervisors  
161 District Five shall be elected for a term of four (4) years. Each  
162 subsequent member of the board shall be elected for a term of six  
163 (6) years at the same time as the general election in which the  
164 member of the county board of education representing the same  
165 supervisors district is elected. All members of the board shall



166 take office on the first Monday of January following the date of  
167 their election. The terms of all seven (7) appointed members of  
168 the board of trustees holding office on the effective date of this  
169 act (Laws 1986, Chapter 462) shall expire on the date that the  
170 first elected members of the board take office. The board of  
171 trustees provided for herein shall not lease or sell the community  
172 hospital property under its jurisdiction unless the board of  
173 supervisors of the county calls for an election on the proposition  
174 and a majority voting in the election shall approve the lease or  
175 sale.

176 The members of the board of trustees provided for in this  
177 subsection shall be compensated a per diem and reimbursed for  
178 their expenses and mileage in the same amount and subject to the  
179 same restrictions provided for members of the county board of  
180 education in Section 37-5-21 and may, at the discretion of the  
181 board, choose to participate in any hospital medical benefit plan  
182 which may be in effect for hospital employees. Any member of the  
183 board of trustees choosing to participate in the plan shall pay  
184 the full cost of his participation in the plan so that no  
185 expenditure of hospital funds is required.

186 The name of any qualified elector who is a candidate for the  
187 community hospital board of trustees shall be placed on the ballot  
188 used in the general elections by the county election  
189 commissioners, if the candidate files with the county election  
190 commissioners, not more than ninety (90) days and not less than





191 thirty (30) days before the date of the general election, a  
192 petition of nomination signed by not less than fifty (50)  
193 qualified electors of the county residing within each supervisors  
194 district. The candidate in each supervisors district who receives  
195 the highest number of votes cast in the district shall be declared  
196 elected.

197 (5) A board of trustees provided for herein may, in its  
198 discretion, where funds are available, compensate each trustee per  
199 diem in \* \* \* at least the amount established by Section 25-3-69  
200 up to the maximum amount of not more than One Hundred Fifty  
201 Dollars (\$150.00) for each meeting of the board of trustees or  
202 meeting of a committee established by the board of trustees where  
203 the trustee was in attendance, and in addition thereto provide  
204 meals at the meetings and compensate each member attending travel  
205 expenses at the rate authorized by Section 25-3-41 for actual  
206 mileage traveled to and from the place of meeting.

207 (6) The owner which appointed a trustee may likewise remove  
208 him from office by majority vote for failure to attend at least  
209 fifty percent (50%) of the regularly scheduled meetings of the  
210 board during the twelve-month period preceding the vote, or for  
211 violation of any statute relating to the responsibilities of his  
212 office, based upon the recommendation of a majority of the  
213 remaining trustees.

214 (7) For community hospitals located in a county having a  
215 population of less than one hundred thousand (100,000) according



216 to the most recent federal decennial census, the members of the  
217 board of trustees, administrator and any other officials of the  
218 community hospital as may be deemed necessary or proper by the  
219 board of trustees shall be under bond in an amount not less than  
220 Ten Thousand Dollars (\$10,000.00) nor more than One Hundred  
221 Thousand Dollars (\$100,000.00) with some surety company authorized  
222 to do business in the State of Mississippi to faithfully perform  
223 the duties of his office. For community hospitals located in a  
224 county having a population of one hundred thousand (100,000) or  
225 more according to the most recent federal decennial census, the  
226 bond shall be in an amount not less than Fifty Thousand Dollars  
227 (\$50,000.00) nor more than Five Hundred Thousand Dollars  
228 (\$500,000.00). Premiums for the bonds shall be paid from funds of  
229 the community hospital.

230 (8) The members of the board of trustees of a community  
231 hospital may, at the discretion of the board, choose to  
232 participate in any hospital medical benefit plan or health  
233 insurance plan, whether self-funded or otherwise, which may be in  
234 effect for hospital employees. Any member of the board of  
235 trustees choosing to participate in such plan shall pay the same  
236 amount for his or her participation in the plan as hospital  
237 employees are required to pay for their participation in such  
238 plan.

239 **SECTION 2.** This act shall take effect and be in force from  
240 and after July 1, 2019.



**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE BOARD OF TRUSTEES MEMBERS FOR A COMMUNITY  
3 HOSPITAL TO PARTICIPATE IN A HEALTH INSURANCE PLAN AT THE SAME  
4 COST AS REQUIRED OF HOSPITAL EMPLOYEES; AND FOR RELATED PURPOSES.

